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In re Application of :
Stein et al. :
Application No. 09/834,736 :
Filed: April 14, 2001 :
Attorney Docket No. MBE-003 :
:

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed July 12, 2002, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.48.

The petition under 37 CFR 1.137(b) is **granted**.

The petition under 37 CFR 1.48 is **dismissed as moot**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed June 8, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 9, 2001.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

Petitioner requests deletion of one of the inventors per 37 CFR 1.48. Per 37 CFR 1.48(f)(1),

If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63 by any of the inventors, the first submission of an executed oath or declaration under § 1.63 by any of the inventors during the pendency of the application will act to correct the earlier identification of inventorship.

Since a petition under 37 CFR 1.48 is unnecessary to correct the inventorship, the petition is dismissed as moot and the petition fee of \$130 will be scheduled to be refunded.

The file is now being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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Office of Petitions
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for Patent Examination Policy